

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutheron & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO JOIN ADDITIONAL PARTIES DEFENDANT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and respectfully requests the Court to join as additional parties the persons or entities named below and order them to answer the State’s Complaint in this action as required in any civil action in the United States District Court or suffer default judgment against them. In support of this motion, the State asserts:

1. The persons or entities listed below are diverting and using or may claim the right to divert and use surface or underground waters within the Rio Chama Stream System.

Sixto L. Espinosa	CHTA-003-0034	1708 Callejon Zenaida, Santa Fe NM 87501
Faustina Espinosa	CHTA-003-0034	1708 Callejon Zenaida, Santa Fe NM 87501
Carmelita Chacon	CHTA-004-0031	PO Box 23, Tierra Amarilla NM 87575
Jose L. Martinez	CHTA-004-0031	PO Box 23, Tierra Amarilla NM 87575

Estate of Mrs. Jose Fermin Abeyta	CHTA-003-0053	c/o Jose Fermin Abeyta Jr. PO Box 124, Tierra Amarilla NM 87575
David Schwartz Bypass Trust	CHRB-007-0027B	PO Box 46, Los Ojos NM 87551
Larry H. Deyapp Jr.	CHCV-002-0049	PO Box 932, Chama NM 87520
Trina S. Deyapp	CHCV-002-0049	PO Box 932, Chama NM 87520

These waters belong to the public and are subject to appropriation in accordance with laws of the State of New Mexico. This Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use public waters of the Rio Chama Stream System.

2. The persons or entities listed above are in Section 7 of the Rio Chama Stream System, and may be diverting and using water associated with the subfile numbers listed, or may otherwise be using or diverting surface or underground waters within Section 7 of the Rio Chama Stream System.

DATED: January 10, 2005

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion to Join Additional Parties Defendant were mailed to following persons on January 10, 2005.

/s/ Ed Newville
Edward G. Newville

RIO CHAMA SECTION 7 SERVICE LIST

Special Master Vickie L. Gabin USDC-DCNM P.O. Box 2384 Santa Fe, NM 87504-2384	P.O. Box 2084 Santa Fe, NM 87504-2084
Karla McCall, Data Manager. 1315 Sagebrush Dr. SW Los Lunas, NM 87031	John P. Hays, Esq. Cassutt, Hays, & Friedman PA 530-B Harkle Road Santa Fe, NM 87505
Bradley S. Bridgewater, Esq. David W. Gehlert, Esq. USDOJ-ENRD 999 18th St., Suite 945 Denver, CO 80202	Daniel Cleavinger, Esq. P.O. Box 2470 Farmington, NM 87499
John W. Utton, Esq. Sheehan, Sheehan & Stelzner PA P.O. Box 271 Albuquerque, NM 87103-0271	Ted J. Trujillo, Esq. P.O. Box 2185 Española, NM 87532-2185
Paula Garcia NM Acequia Association 607 Cerrillos Road, Suite F Santa Fe, NM 87505	Karen L. Townsend, P.C. 120 East Chaco Aztec, NM 87410
Benjamin Philips, Esq. John F. McCarthy, Jr., Esq. Rebecca Dempsey, Esq. White, Koch, Kelly & McCarthy PA P.O. Box 787 Santa Fe, NM 87504-0787	NM Acequia Commission Fred Vigil, Chairman Depart. of Finance & Admin. Local Government Division Bataan Memorial Building Santa Fe, NM 87503
Lester K. Taylor, Esq. Susan G. Jordan, Esq. Lee Bergen, Esq. Nordhaus, Haltom, Taylor, Taradash & Bladh, LLP 405 Dr. Martin Luther King Ave NE Albuquerque, NM 87102-3541	Martin E. Threet, Esq. Martin E. Threet and Associates 6400 Uptown Blvd. NE Suite 500W Albuquerque, NM 87110
Tessa T. Davidson, Esq. The Davidson Law Firm P.O. Box 2240 Corrales, NM 87048	Kurt J. Van Deren Hatch, Allen & Shepherd PA PO Box 30488 Albuquerque, NM 87190-0488
Marcus J. Rael, Jr. Esq. 500 4 th Street NW, Suite 200 Albuquerque, NM 87102	Gary S. Friedman Cassutt, Hays & Friedman, P.A. 530-B Harkle Road Santa Fe, NM 87505
Pierre Levy, Esq. Law Offices of Daniel J. O'Friel Ltd.	Peter B. Shoenfeld P.O. Box 2421 Santa Fe, NM 87504-2421
	Ernest L. Padilla, Esq. Padilla Law Firm, P.A. P.O. Box 2523 Santa Fe, NM 87504-2523